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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/541,127

09/06/2005

Paul Wentink

Serie 6038

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7590

07/10/2008

AIR LIQUIDE

Intellectual Property

2700 POST OAK BOULEVARD, SUITE 1800

HOUSTON, TX 77056

EXAMINER

PARSA, JAFAR F

ART UNIT

PAPER NUMBER

1621

MAIL DATE

DELIVERY MODE

07/10/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



### DETAILED ACTION

1. The remarks filed in April 2, 2008 have been entered. Claims 44-71 are pending.
2. The rejection of claims 44-71 under 35 U.S.C. 103(a) as being unpatentable over Steynberg et al (WO 02/38699) in view of Butwell et al (USPN 6497750) is maintained for reasons of record as set forth in the office action dated on 4/2/2008.
3. Applicant's arguments filed on 4/2/2008 have been fully considered but they are not persuasive.

Applicants have acknowledged that Steynberg teaches that in the vapor phase work-up stage, the vapor phase is separated into the gas component comprising syngas as the first gas component, a second gas component enriched in methane, and a third gas component comprising mainly carbon dioxide. Applicants have stated that the first gas component is internally recycled and hence not a product stream. The Examiner notes that the reference expressly teaches that when hydrogen is produced from the second gas component, it *may* be added to the synthesis gas feedstock, thereby to increase the synthesis gas hydrogen content. See page 4, lines 26-29. Therefore, the reference explicitly teaches to separate the waste gas into a three component. As applicants noted some of the component has been internally used in the process. However, the isolation of these components as product streams per se is not a patentable distinction.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jafar Parsa whose telephone number is (571)272-0643. The examiner can normally be reached on 9 a.m.-5:30 p.m. (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bonnie Eyler can be reached on 571-272-0871. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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/Jafar Parsa/

Primary Examiner, Art Unit 1621